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PATENT  
ATTORNEY DOCKET: 46970-5216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Kiyoshi TATEISHI et al. ) Confirmation No.: 8423  
Application No.: 10/753,450 ) Group Art Unit: 2627  
Filed: January 9, 2004 ) Examiner: Aristotelis M. Psitos  
For: OPTICAL PICKUP APPARATUS )  
INCLUDING EMISSION DEVICE, )  
LIGHT BEAM EMISSION )  
CONTROL METHOD, AND )  
COMPUTER-READABLE )  
RECORDED MEDIUM IN WHICH )  
LIGHT BEAM EMISSION )  
CONTROL PROGRAM IS )  
RECORDED (As Amended) )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Office Action dated April 21, 2008.
2. Additional papers enclosed:
  - ☒ Submission of Replacement Drawing Sheets
  - ☒ Replacement Drawing Sheets 17 sheets; 21 figures
  - ☒ Terminal Disclaimer
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 460.00	\$ 230.00
<input type="checkbox"/> three months	\$ 1,050.00	\$ 525.00
<input type="checkbox"/> four months	\$ 1,640.00	\$ 820.00

Extension of time fee due with this request: \$120.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	14	minus	20	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	6	minus	6	0	x \$200 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Enclosed is a check in the amount of \$ 250.00 for the 1-month extension of time and Terminal Disclaimer fees.
- ☐ The Commissioner is hereby authorized to charge \_\_\_\_\_ to Deposit Account No. 50-0573 for the \_\_\_\_\_ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**


By:

Paul A. Fournier

Registration No. 41,023

Dated: August 21, 2008

Customer No. 055694

**DRINKER, BIDDLE & REATH LLP**

1500 K Street, N.W. Suite 1100

Washington, D.C. 20005-1209

Tel: (202) 842-8800

Fax: (202) 842-8465



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**SUBMISSION OF REPLACEMENT DRAWING SHEETS**

Filed herewith are seventeen (17) replacement sheets of patent drawings containing twenty-one (21) figures. It is requested that these drawings be approved and made part of the official record in the above-identified patent application.

The attached Replacement Drawing Sheets, which include all of Figs. 1-17 in this application, replace the previously-filed drawing sheets. In these Replacement Drawing Sheets, Fig. 6 has been amended to change the text shown in step S15 in Fig. 6 from "EMIT ONLY

ERASE PULSES AS SINGLE-PULSES" to "EMIT ONLY AN ERASE PULSE AS A SINGLE-PULSE."

It is respectfully submitted that this change introduces no new matter as it conforms to the specification and/or drawings as originally filed, pursuant to 37 C.F.R. § 1.81(d).

If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-0573. If a fee is required for an extension and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: August 21, 2008

By:



Paul A. Fournier

Reg. No. 41,023

**Customer No. 055694**

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Washington, DC 20005-1209

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